No. 82-118

Office-Supreme Court, U.S.
FILED
DEC 28 1982
ALEXANDER L. STEVAS,
CLERK

In The Supreme Court of the United States

OCTOBER TERM, 1982

CROWN, CORK & SEAL COMPANY, INC.,
Petitioner,

v.

THEODORE PARKER,
Respondent.

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

JOINT APPENDIX

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Petition for Certiorari Filed July 21, 1982.
Certiorari Granted November 8, 1982.

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RELEVANT DOCKET ENTRIES

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND

10/27/80—(1) Complaint and Attachment.

11/26/80—(4) Answer.

01/06/81—(9) Motion of Plaintiffs to Consolidate Civil Action No. M-78-1734 with Civil Action No. M-80-2839.

01/09/81—(11) Memorandum of Defendant in Opposition to Motion of Plaintiff to Consolidate Civil Action Nos. M-78-1734 and M-80-2839.

03/04/81—(14) Deposition of Theodore Parker taken on February 18, 1981 on behalf of Defendant and Attachments.

03/27/81—(15) Motion of Defendant for Summary Judgment, Memorandum, Request for Hearing and Exhibits A to H.

04/06/81—(16) Opposition of Plaintiff to the Motion of Defendant for Summary Judgment.

04/13/81—(17) Reply of Defendant to the Opposition of Plaintiff to the Motion of said Defendant for Summary Judgment.

04/20/81—(18) Memorandum and Order (Miller, J.) "GRANTING" Motion of Defendant for Summary Judgment.

04/22/81—(19) JUDGMENT (Clerk) entering Judgment in favor of Defendant against the Plaintiff.

05/14/81—(20) Notice of Appeal of Plaintiff.

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

06/09/81—Case docketed.

06/23/81—MOTION (A-186) of A, case no. 81-1465, to consolidate appeals nos. 81-1465 and 81-1483, filed.

06/29/81—ORDER consolidating appeals nos. 81-1465 and 81-1483 pursuant to Local Rule 19, filed.

07/06/81—MOTION (B-9) to dismiss appeal no. 81-1483, filed.

07/06/81—MEMORANDUM in support of motion to dismiss appeal no. 81-1483, filed.

07/15/81—MOTION (B-9) of As Parker, Pendleton and Allen to dismiss appeal no. 81-1483 pursuant to Rule 42(b), FRAP, filed.

07/17/81—ORDER dismissing case no. 81-1483 pursuant to Rule 42(b), FRAP, filed.

12/07/81—APPEAL argued.

04/23/82—OPINION of the Fourth Circuit reversing and remanding the case to the District Court for further proceedings.

04/23/82—JUDGMENT.

05/14/82—MANDATE issued.

07/21/82—PETITION for a Writ of Certiorari filed.

11/08/82—CERTIORARI granted.

WHAT MAY BE FOUND IN THE APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI

1. Memorandum and Order of District Court filed April 20, 1981 (at page 8a).
2. Opinion of Fourth Circuit filed April 23, 1982 (at page 1a).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
DETERMINATION LETTER

(Seal) Charging Numbers: 033-780089 &
033-780090
E107-499

Theodore Parker
1316 S. Hanover Street
Baltimore, Maryland 21230

Charging Party

Crown, Cork & Seal
4200 O'Donnell Street
Baltimore, Maryland 21224

United Steel Workers of America
3600 Eastern Avenue
Baltimore, Maryland 21224

Respondents

DETERMINATION

Under the authority vested in me by the Commission's Procedural Regulations, I issue on behalf of the Commission the following determination as to the merits of the subject charge.

Respondents are an employer and a union within the meaning of Title VII of the Civil Rights Act of 1964, as amended, and all jurisdictional requirements have been met. Substantial weight has been accorded to the findings of the Maryland Commission on Human Relations, which are attached.

Having examined the Maryland Commission on Human Relations' findings and the record presented, I conclude that there is not reasonable cause to believe that the charge is true.

This Determination concludes the Commission's processing of the subject charge. Should the Charging Party wish to pursue this matter further, he/she may do so by filing a private action in Federal District Court within 90 days of the receipt of this letter, and by taking the

other procedural steps set out in the enclosed NOTICE-OF-RIGHT TO SUE.

ON BEHALF OF THE COMMISSION:

Date 11-9-78

DOROTHY E. MEAD
Acting District Director

Enclosures: (3)
706 Agency Findings
Notice of Right to Sue
Copy of Charge

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE

(Seal) (Dismissal)

To:
Theodore Parker
1316 S. Hanover Street
Baltimore, Maryland 21230

From:
Equal Employment Opportunity Commission
Baltimore District Office
711 W. 40th Street Room 210
Baltimore, Maryland 21211

Charge Number:
033-780089 & 033-780090

EEOC Representative:
Gerald S. Kiel, Regional Attorney

Telephone Number:
(301) 962-3870

(See Section 706(f)(1) and (f)(3) of the Civil Rights Act of 1964 on reverse of this form.) [below]

This is your NOTICE OF RIGHT TO SUE. It is issued because the Commission has dismissed your charge. Your charge was dismissed for the following reason:

☐ No jurisdiction, therefore the Commission has no authority to process your charge further.

☒ No reasonable cause was found to believe that the allegations made in your charge are true, as indicated in the attached determination.

☐ You failed to provide requested necessary information, failed or refused to appear or be available for necessary interviews/conferences or otherwise refused to cooperate to the extent that the Commission has been unable to resolve your charge. You have had more than

30 days in which to respond to our final written request.

☐ The Commission has made reasonable efforts to locate you and has been unable to do so. You have had at least 30 days in which to respond to a notice sent to your last known address.

☐ The respondent has made a written settlement offer which affords full relief for the harm you alleged. At least 30 days have expired since you received actual notice of this settlement offer.

The issuance of this NOTICE OF RIGHT TO SUE terminates the Commission's processing of your charge. If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in United States District Court. IF YOU DECIDE TO SUE, YOU MUST DO SO WITHIN NINETY (90) DAYS FROM THE RECEIPT OF THIS NOTICE OF RIGHT TO SUE; OTHERWISE YOUR RIGHT TO SUE IS LOST.

If you cannot afford or have been unable to obtain a lawyer to represent you, you should be aware that the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-5(f)(1) permits the U. S. District Court having jurisdiction in your case to appoint a lawyer to represent you. If you plan to request appointment of a lawyer to represent you, you must make this request of the U. S. District Court in the form and manner it requires. *Your request to the U. S. District Court should be made well in advance of the end of the 90-day period mentioned above.*

You may contact the EEOC representative named above if you have any questions about your legal rights including advice on which U. S. District Court has jurisdiction to hear your case or if you need to inspect and copy information contained in the Commission's case file.

An information copy of this Notice of Right to Sue has been sent to the respondent(s) shown below.

On Behalf of the Commission

Date: 11-9-78 DOROTHY E. MEAD, Acting District Director

cc: Crown, Cork & Seal
4200 O'Donnell Street
Baltimore, Maryland 21224

United Steel Workers of America
3600 Eastern Avenue
Baltimore, Maryland 21224

Section 706(f)(1) and (f)(3) of the Civil Rights Act of 1964, as amended, states:

(f)(1) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) or (d), the Commission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission may bring a civil action against any respondent not a government, governmental agency, or political subdivision named in the charge. In the case of a respondent which is a government, governmental agency, or political subdivision, if the Commission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission shall take no further action and shall refer the case to the Attorney General who may bring a civil action against such respondent in the appropriate United States district court. The person or persons aggrieved shall have the right to intervene in a civil action brought by the Commission or the Attorney General in a case involving a government, governmental agency, or political subdivision. If a charge filed with the Commission pursuant to subsection (b) is dismissed by the Commission, or if within one hundred and eighty days from the filing of such charge or the expiration of any period of reference under subsection (c) or (d), whichever is later, the Commission has not filed a civil

action under this section or the Attorney General has not filed a civil action in a case involving a government, governmental agency, or political subdivision, or the Commission has not entered into a conciliation agreement to which the person aggrieved is a party, the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, shall so notify the person aggrieved and within ninety days after the giving of such notice a civil action may be brought against the respondent named in the charge (A) by the person claiming to be aggrieved, or (B) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Commission, or the Attorney General in a case involving a government, a governmental agency, or political subdivision, to intervene in such civil action upon certification that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsections (c) or (d) of this section or further efforts of the Commission to obtain voluntary compliance.

(f)(3) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice, but if the respondent is not found

within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.

In the United States District Court
for the District of Maryland

Civil Action No. M-80-2839

Theodore Parker

v.

Crown, Cork & Seal Company, Inc.

JUDGMENT

In accordance with the Memorandum and Order dated April 20, 1981 and filed in the above entitled case, it is

ORDERED and ADJUDGED: THAT JUDGMENT BE AND THE SAME IS HEREBY ENTERED IN FAVOR OF DEFENDANT AGAINST THE PLAINTIFF.

Dated at Baltimore, Maryland this 22nd day of April, 1981.

PAUL R. SCHLITZ,
Clerk

By RON LAWSON
Deputy Clerk.

United States Court of Appeals
for the Fourth Circuit

No. 81-1465

Theodore Parker,

Appellant,

versus

Crown, Cork and Seal Company, Inc.,

Appellee.

Appeal from the United States District Court
for the District of Maryland

JUDGMENT

This cause came on to be heard on the record from the United States District Court for the District of Maryland, and was argued by counsel.

On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court appealed from, in this cause, be, and the same is hereby, reversed and remanded to the United States District Court for the District of Maryland at Baltimore for further proceedings consistent with the opinion of this court filed herewith.

WILLIAM K. SLATE, II,
Clerk.